

Appl. No.: 09/559,725
Amdt. Dated April 29, 2005
Response to Office Action of January 31, 2005

REMARKS

Claims 1-108 are pending. The pending claims have been rejected under 35 U.S.C. § 103(a). Claims 1, 28, 55, and 82 have been amended.

Applicants submit that the amendments to the claims place the application in a condition for allowance, or in the alternative, in a better condition for consideration on appeal. Entry of the amendment, withdrawal of the pending rejections and allowance of the amended claims in light and following remarks is respectfully requested. Support for the amendments may be found within the entirety of the specification, and particularly, at pages 29-31 and Figures 1 and 2.

Applicants thank the Examiner for consideration of Applicants arguments. Applicants respectfully note that the rejection of the pending claims is based, at least in part, that the Trembly reference discloses or suggests in combination with the other cited references, the limitations of claims 1, 28, 55, and 82. In particular, in the rejection of the pending claims the Trembly reference is cited as illustrating that it was known in the art to select a best practice from a predetermined set of best practices associated with a claims handling process, where the loss economic opportunity includes a cost associated with processing the plurality of claims and is determined based on the responses, and determining a best practice associated with processing the plurality of claims based on the loss economic opportunity. Applicants submit that the subject matter of claims 1, 28, 55, and 82 would not have been obvious in light of the cited references.

Trembly relates to a solution for a property-casualty claims processing application. Trembly clarifies that the application "increases productivity by enabling companies to classify claims more accurately and to assign critical claims to the most experienced adjusters." Indeed,

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the proposed application is "intended to enable insurers to improve loss adjustment expenses by 20 percent to 40 percent while reducing money paid out on claims by an estimated three to five percentage points."

Claims 1, 28, 55, and 82 include *inter alia* "selecting a subset of best practices from a predetermined set of best practices," and "identifying from the subset of best practices a best practice associated with processing the plurality of claims based on the loss economic opportunity." Trembly, on the other hand, does not discuss or suggest that a subset of best practices may be selected. Nowhere in Trembly is it disclosed or suggested that the best practices include a subset. Indeed, in the context of best practices, Trembly discloses that the claim design embodies a "vision of future best practices." Trembly discloses that the best practices are deployed as a whole, in their entirety, and without disjunction. Indeed, while Trembly does suggest that the best practices include a predetermined set (i.e. a "vision of best practices"), Trembly fails to suggest selecting just a subset of best practices that is separable, parsable, or divisible from the whole. Trembly also fails to discuss or suggest that a best practice may be identified from the subset where the identified best practice is "associated with processing the plurality of claims based on the loss economic opportunity," as recited in the claims. Again, while Trembly may suggest best practices, there is no mention or suggestion in Trembly for identifying anything from those best practices. Therefore, Trembly, when read in conjunction with the other the cited references, does not disclose or suggest the limitations of claims 1, 28, 55, and 82. Accordingly, Applicants respectfully submit the limitations of claim 1, 28, 55, and 82 would not be obvious to one skilled in the art in light of the combination of Hammond, Moore, and Little, and Trembly.

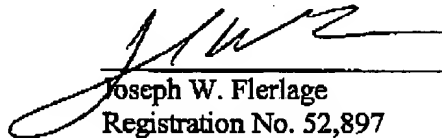
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Because the combination of Hammond, Moore, and Little, and Trembly art does not disclose or fairly suggest the limitations of independent claims 1, 28, 55, and 82, the prior art also does not disclose the limitations of the claims dependent therefrom.

In view of the amendments and reasons presented herein, withdrawal of the pending rejection is respectfully requested and allowance is earnestly solicited. Should a telephone conference expedite allowance of the application, the examiner is invited to call the undersigned.

Respectfully submitted,

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